

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

SURGERY CENTER OF VIERA, LLC,

Plaintiff,

v.

Case No: 6:19-cv-2330-Orl-28EJK

GOVERNMENT EMPLOYEES HEALTH
ASSOCIATION, INC.,

Defendant.

ORDER

Surgery Center of Viera, LLC ("SCV") brings this action against Government Employees Health Association, Inc. ("GEHA"), asserting diversity of citizenship under 28 U.S.C. § 1332 as the basis for the Court's subject-matter jurisdiction. (Compl., Doc. 1, ¶ 4). On *sua sponte* review of the Complaint, however, the Court finds that SCV has failed to adequately allege diversity of citizenship.

Federal courts have not only "the power but also the obligation at any time to inquire into jurisdiction whenever the possibility that jurisdiction does not exist arises." Fitzgerald v. Seaboard Sys. R.R., 760 F.2d 1249, 1251 (11th Cir. 1985). SCV, a limited liability company, has sufficiently alleged its own citizenship by describing the citizenship of each of its individual members. But SCV's allegations of GEHA's citizenship are not sufficient to establish that the parties are of diverse citizenship.

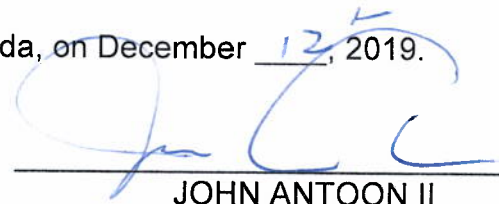
Section 1332 provides that "[f]or the purposes of this section . . . a corporation shall be deemed to be a citizen of every State and foreign state by which it has been incorporated **and** of the State or foreign state where it has its principal place of business."

28 U.S.C. § 1332(c)(1) (emphasis added). In the Complaint, SCV alleges that GEHA is incorporated in Missouri, but it does not allege where GEHA has its principal place of business. (See Compl. ¶ 3). Thus, the Court cannot ascertain GEHA's citizenship, and the allegations of the Complaint do not support diversity jurisdiction. However, "[d]efective allegations of jurisdiction may be amended, upon terms, in the trial or appellate courts." 28 U.S.C. § 1653.

Accordingly, it is **ORDERED**:

1. The Complaint (Doc. 1) is **DISMISSED without prejudice**.
2. **On or before Friday, December 27, 2019**, Plaintiff, Surgery Center of Viera, LLC, may file an amended complaint that properly establishes the grounds for this Court's exercise of subject-matter jurisdiction over this case.
3. Absent timely compliance with the requirements of this Order, this action will be **closed** without further notice.

DONE and ORDERED in Orlando, Florida, on December 12th, 2019.



JOHN ANTOON II
United States District Judge

Copies furnished to:
Counsel of Record
Unrepresented Parties